

Municipal Water Law Discussion Paper #3 June 23, 2006

Should the Department of Health require a public meeting or governing body approval prior to its approval of a water system plan?

Existing draft policy position (July 18, 2005 paper)

This issue was not addressed in the draft policy position paper.

Existing Requirements: WAC 246-290-100(8) requires an informational meeting of the water system's customers prior to the Department of Health's (DOH) approval.

Description of Issue

With the passage of the Municipal Water Law, additional elements were added to DOH's role in water system plan (WSP) approval. One new element is that municipal water suppliers (MWS) now have a duty to serve within their retail service area. The retail service area designation will be identified within a WSP. Service policies that reflect the MWS's duty to provide service within its retail service area are also identified in their WSP. All of this information is important to MWS customers, potential customers, developers, other water users, etc. Because of the importance of this information, should all interested parties (not just customers) have the opportunity to express their opinions on the contents of a WSP at a public meeting before the plan is approved?

Another issue DOH and others have expressed, is not all governing bodies understand or agree with the information provided in the WSP. This raises concerns and warrants more thought on ensuring not only the public but governing bodies understand the information found in a WSP.

Alternatives

1. Retain existing policy position.

Under this alternative, the existing DOH requirements would be considered sufficient public involvement in the water system planning process. At least the water system's customers would have an opportunity to participate. However, the existing informational meeting requirements do not compel the MWS to allow people who are not customers of the water system to participate. The issue of governing bodies not understanding or agreeing with the information provided in the WSP would not be resolved.

2. Require governing body approval.

Under this alternative, the governing body of the water system would be required to approve the water system plan prior to DOH approval. This would ensure that the governing body had explicitly acknowledged their retail service area designation and service policies prior to DOH approval. Also based on existing statutes and regulations publicly owned water systems are required to approve documents in an open meeting. This would allow the public an opportunity to express their opinion about the contents of the plan before it is approved.

3. Require a separate public meeting.

Under this alternative, the MWS would be required to hold a public meeting to discuss its water system plan prior to DOH approval. This would give the public for both publicly and privately owned water systems the opportunity to understand where the MWS intended to provide service and learn about any service area policies affecting how they will provide service. This allows for more interaction and involvement by interested parties in the planning process. This option would however, require additional resources by MWS to hold this meeting and by DOH to ensure this requirement has been met.

Preferred Alternative

DOH staff prefer alternative 2, for the following reasons:

- Ensures the governing body understands fully what is in the water system plan and what the implications are before DOH approval.
- For publicly-owned water systems, a public meeting is already a requirement and therefore the public has the opportunity to be involved.
- Most objectives (governing body acknowledgement of plan and public input) are met without a major commitment of staff resources by local government or DOH to administer this requirement.